

United States Magistrate Judge John L. Weinberg

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

STEVEN ELMENDORF,

Defendant.

NO. **MJ19-5133**

COMPLAINT

Title 18 U.S.C. §§ 922(g)(1), 924(a)(2),
and 2.

BEFORE, the Honorable John L. Weinberg, United States Magistrate Judge,
United States Courthouse, Seattle, Washington.

COUNT 1
(Felon in Possession of Firearm)

On or about July 22, 2019, in Pierce County, within the Western District of
Washington, STEVEN ELMENDORF, knowing he had previously been convicted of the
following crimes punishable by imprisonment for a term exceeding one year, to wit:

- a. *Attempted Theft of a Motor Vehicle, Residential Burglary, Theft of a Motor
Vehicle, Attempt to Elude, Hit and Run Injury*, Lewis County Superior
Court, Case Number 13-1-00660-4; sentenced October 9, 2013.
- b. *Trafficking in Stolen Property in the Second Degree*, Pierce County
Superior Court, Case Number 11-1-03144-8, sentenced March 7, 2012.

c. *Possession of a Stolen Vehicle, Possession of a Controlled Substance Without a Prescription*, King County Superior Court, Case Number 10-1-09592-2; sentenced June 20, 2011.

knowingly possessed, and did aid and abet the possession of, in and affecting interstate and foreign commerce, the following firearms, a Smith and Wesson 38 Special, Serial 9D50356 and a Lorcin .380 semi-automatic pistol, serial number 361720, each of which had been shipped and transported in interstate or foreign commerce.

All in violation of Title 18, United States Code, Sections 922(g)(1), 924(a)(2), and 2.

The undersigned complainant, being duly sworn, hereby deposes and says

1. I, Matt Eidinger, am employed as a Special Agent with the Department of Homeland Security, and have been so employed since September 2008. From May 2015 to the present, I have been assigned as a Task Force Agent (TFA) to the United States Drug Enforcement Administration (DEA), Seattle Division. In this capacity, I investigate violations of the Controlled Substance Act, Title 21, United States Code, Section 801 et seq., and Title 18, United States Code related offenses. I have received over 640 hours of classroom training including but not limited to, firearm identification, drug identification, drug interdiction, detection, money laundering techniques and schemes, smuggling, and the investigation of individuals and/or organizations involved in the illegal possession, possession for sale, sales, importation, smuggling, and illicit trafficking of controlled substances and firearms.

2. In my role as a Task Force Agent for the Drug Enforcement Administration, I have negotiated for and purchased narcotics and firearms in an undercover capacity. I have participated in narcotics investigations (i.e. heroin, fentanyl, cocaine, marijuana, and methamphetamine) and firearms investigations which have resulted in the arrest of individuals and the seizure of illicit narcotics, illicit firearms, and/or related evidence and the forfeiture of related assets. I have been involved in the service of search warrants as part of these investigations. As a result of my experience in

1 serving these search warrants, I have encountered and have become familiar with various
2 tools, methods, trends, and related articles utilized by various traffickers in their efforts to
3 import/export, conceal, and distribute controlled substances and firearms. I am also
4 familiar with the various methods of packaging, delivering, transferring, and laundering
5 illicit proceeds. Additionally, through my training and experience, I have encountered
6 drug traffickers in possession of lethal weapons such as handguns, knives or blunt
7 objects. Traffickers use weapons for self-defense purposes or offensive violence directed
8 at competing traffickers.

9 3. Specifically, as a result of my training and experience, I am familiar with
10 federal criminal laws and know that it is a violation of Title 18, United States Code,
11 Section 922(g)(1) for any person who has been convicted in any court of a crime
12 punishable by imprisonment for a term exceeding one year to possess any firearm or
13 ammunition that has affected or traveled in interstate or foreign commerce.

14 4. The information in this complaint is based on my investigation, along with
15 investigation by other law enforcement officers, conversations with law enforcement
16 officers, and review of law enforcement documents and evidence. It also does not purport
17 to state every fact known to law enforcement, but rather only to establish probable cause
18 to conclude that STEVEN ELMENDORF committed the charge set forth above.

19 **STATEMENT OF PROBABLE CAUSE**

20 5. I have learned that inmates in the Washington State prison system have
21 access to telephones to contact persons outside the prison facility. These communications
22 are recorded, monitored, and preserved by prison staff utilizing a software program called
23 V-Track Investigative Suite. Upon incarceration, inmates are issued an individual
24 personal identification number (IPIN) which they utilize to access the penitentiary's
25 phone system. All inmate phone calls are linked to a unique IPIN. The recordings are
26 later accessible by law enforcement officers.

27 6. I have listened to multiple inmates making numerous recorded telephone
28 calls since January 2019 to Steven ELMENDORF. As a result of this investigation, I am

1 able to identify ELMENDORF's voice as being associated with phone calls placed to
2 253-533-1638.

3 7. On June 5, 2019, Inmate Abel Contreras placed a phone call from the
4 Washington State Penitentiary, located in Walla Walla, to Steven ELMENDORF at 253-
5 533-1638. ELMENDORF and Contreras were incarcerated at the same time at
6 Washington State Penitentiary for most of 2018. Contreras and ELMENDORF discussed
7 prison politics at the beginning of the call.

8 8. Fifteen (15) minutes and thirty (30) seconds into the call, ELMENDORF
9 told Contreras, "Hey I got something today." Contreras asked, "What'd you get?"
10 ELMENDORF replied, "A sick-ass .357 Magnum. The bullets I got are fucking dope,
11 homie." Contreras responded, "Oh yeah?" ELMENDORF replied, "Yeah, sick-ass shit!"
12 Contreras then asked, "6-shot, 7-shot?" ELMENDORF replied, "It's uh 6. Medium
13 length. It's not the snub. It's a little bit bigger." Based on my training and experience,
14 during this call, I believe ELMENDORF told Contreras that he obtained a .357 Magnum
15 Smith and Wesson revolver with a cylinder capacity of 6 rounds, that has a medium
16 length barrel.

17 9. During the same call, ELMENDORF told Contreras he also obtained a 5-
18 shot, 12-gauge shotgun with a pistol grip. ELMENDORF then discussed the specific
19 type of shotgun ammunition he obtained. ELMENDORF stated, "I bought bullets for the
20 thing and it shoots a slug with six double-aught bucks at the same time."

21 10. I have examined the National Crime Information Center (NCIC) criminal
22 history for ELMENDORF, and the report confirms he has the following adult felony
23 convictions:

- 24 a. *Attempted Theft of a Motor Vehicle, Residential Burglary, Theft of a Motor*
25 *Vehicle, Attempt to Elude, Hit and Run Injury*, Lewis County Superior
26 Court, Case Number 13-1-00660-4; sentenced October 9, 2013.
27 b. *Trafficking in Stolen Property in the Second Degree*, Pierce County
28 Superior Court, Case Number 11-1-03144-8, sentenced March 7, 2012.

c. *Possession of a Stolen Vehicle, Possession of a Controlled Substance Without a Prescription*, King County Superior Court, Case Number 10-1-09592-2; sentenced June 20, 2011.

11. I know from looking at ELMENDORF's NCIC that in the Lewis County Superior Court Case 13-1-00660-4, he received a sentence of 84 month imprisonment in the Department of Corrections (DOC). ELMENDORF was released from Washington DOC custody in December 2018.

12. I know from looking at ELMENDORF's NCIC that in the Pierce County Superior Court Case 13-1-00660-4, he received a sentence of 20 months DOC imprisonment.

13. I know from looking at ELMENDORF's NCIC that in the King County Superior Court Case 10-1-09592-2, he received a 13 month DOC sentence.

14. On July 22, 2019, I participated in the execution of a federal search warrant at the residence ELMENDORF shares with his mother located at 17324/17326 15th Ave E, Spanaway, Washington, 98387 on July 22, 2019.

14. After entering the residence, agents found ELMENDORF upstairs in the first bedroom at the top of the stairs. Inside this bedroom, investigators found DOC correspondence addressed to ELMENDORF with the address for the residence, and found the following items:

- a. a bandolier ammunition belt holding 25 shotgun shells, 12 guage;
- b. a loaded Smith and Wesson 38 Special revolver, Serial 9D50356.38 located on the floor under the mattress box spring;
- c. a handgun carrying case at the foot of the bed;
- d. five handgun holsters near the bedroom door;
- e. a handgun cleaning kit near the foot of bed;

15. In a second upstairs bedroom located down the hall and around corner from ELMENDORF's bedroom, investigators found a closet full of women's clothing, and the

1 bedroom appeared to belong to ELMENDORF's mother. Inside this bedroom,
2 investigators found the following items:

- 3 a. a green ammo can full of ammunition in various calibers;
- 4 b. a box of .30-.30 caliber rounds; and
- 5 c. a bulletproof vest.

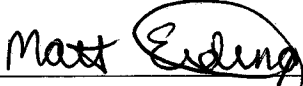
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7 16. Inside the linen closet on the second floor of the residence located directly
8 next to ELMENDORF's bedroom, investigators found a loaded Lorcin .380 semi-
9 automatic pistol, serial number 361720, with one round in the chamber.

10 17. Inside the downstairs bathroom, hidden behind the door, investigators
11 found a loaded 12-gauge shotgun, with a pistol grip, and shells of the same gauge and
12 similar in appearance to the shotgun shells located in ELMENDORF's bedroom.
13 Investigators also found glass pipes with burnt residue scattered throughout the home,
14 including inside ELMENDORF's and Mom's room. Based on my training and
15 experience, I am aware that these types of pipes are commonly used to smoke
16 methamphetamine.

17 18. Based on my knowledge, experience, and my examination of the evidence,
18 I have determined that the above-referenced Smith and Wesson 38 Special, Serial
19 9D50356, and the Lorcin .380 semi-automatic pistol, serial number 361720, are
20 "firearms" as defined by federal law, and that none of them were manufactured in the
21 State of Washington. As a result, each of these firearms must have traveled in, and
22 thereby affected, interstate or foreign commerce, in order to be received or possessed in
23 the State of Washington.

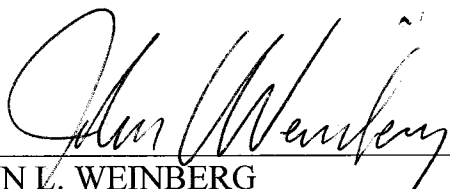
CONCLUSION

Based on the above facts, I respectfully submit that there is probable cause to believe that STEVEN ELMENDORF committed the offense of Felon in Possession of Firearm, in violation of Title 18, United States Code, Section 922(g)(1), 924(a)(2), and 2.


Matt Eiding, Complainant
Special Agent, DHS-HSI

Based on the Complaint and Affidavit sworn to before me, and subscribed in my presence, the Court hereby finds that there is probable cause to believe the Defendant committed the offense set forth in the Complaint.

Dated this 22 day of July, 2019.


JOHN L. WEINBERG
United States Magistrate Judge